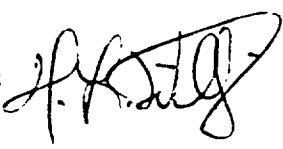



AN ORDINANCE

**AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD TO OBTAIN FEE SIMPLE TITLE TO OR LESSER INTEREST IN THE REAL PROPERTIES DESCRIBED AND IDENTIFIED SAID PROPERTIES BEING LOCATED IN COLLEGE PARK AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH THE FIFTH RUNWAY PROJECT AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (hereinafter "City"), as owner and operator of the William B. Hartsfield Atlanta International Airport, (hereinafter "Airport") has undertaken the construction of an additional runway, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park ("College Park") and in unincorporated Clayton County; and

**WHEREAS**, it was and continues to be necessary for the City to acquire property located in College Park to accommodate the Fifth Runway Project; and

**WHEREAS**, by City of College Park Resolution 99-46, dated December 6, 1999, College Park gave its consent to the City to acquire by condemnation certain properties within College Park's jurisdiction for the Fifth Runway Project effective upon execution of an Intergovernmental Agreement between College Park and the City; and

**WHEREAS**, the City and College Park executed the Intergovernmental Agreement, dated March 16, 2000, required by City of College Park Resolution 99-46 and making College Park's consent to the City acquiring by condemnation certain properties within College Park's jurisdiction for the Fifth Runway Project effective; and

**WHEREAS**, since College Park passed City of College Park Resolution 99-46 and College Park and the City entered into the Intergovernmental Agreement consenting to the City acquiring by condemnation certain properties within Clayton County's jurisdiction for the Fifth Runway Project, the City has determined that certain additional properties, in fee simple or lesser interests, within College Park are needed for the Fifth Runway Project and those properties are identified in Exhibit A (the "Additional Properties"), which are herein incorporated and made part hereof, and as shown on file with the Program Manager for the Hartsfield Development Program; and

**WHEREAS**, the City has requested that College Park consent to the City acquiring by condemnation the Additional Properties within College Park's jurisdiction for the Fifth Runway Project; and

**WHEREAS**, time is of the essence for the acquisition of the Additional Properties identified herein; and

**WHEREAS**, College Park has not yet given its consent to the City acquiring by condemnation the Additional Properties within College Park's jurisdiction for the Fifth Runway Project, but the City anticipates that College Park will consent thereto; and

**WHEREAS**, given the circumstances and need to immediately acquire title to the Additional Properties, the City desires to condemn the Additional Properties as soon after College Park consents as practicable; and

**WHEREAS**, City of Atlanta Ordinance 01-O-1867 established that the cost incurred by the City in connection with condemning all of the properties set forth in said Ordinance, which authorized acquisition of property for the Fifth Runway Project, not exceed \$149,000,000.00 without additional approval of the City; and

**WHEREAS**, the City will first pay the cost of condemning the Additional Properties from the \$149,000,000.00 allocated by City of Atlanta Ordinance 01-O-1867; and

**WHEREAS**, it is anticipated that the cost of condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties will not exceed \$149,000,000.00, and therefore no further funds must be presently allocated for the condemnation of the Additional Properties.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

**Section 1.** That the public necessity for immediately acquiring the Additional Properties identified in Exhibit A (which is herein incorporated and made part hereof) and as shown on file with the Program Manager for the Hartsfield Development Program for public use associated with the Fifth Runway Project is hereby declared; and, further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of that method is hereby authorized to acquire and obtain fee simple title to the Additional Properties.

**Section 2.** After College Park consents to the City condemning the Additional Properties within College Park's jurisdiction for the Fifth Runway Project, that the City Attorney be and hereby is authorized and the City Attorney or her designee be and hereby is directed, with respect to the Additional Properties, to institute condemnation proceedings in the name of the City of Atlanta for the condemnation of said Properties and of every interest therein, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the Aviation General Manager or his designee, with the advice and coordination of the City Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements in an effort to resolve and/or settle the condemnation case.

**Section 3.** That the Mayor of the City of Atlanta is hereby authorized and directed, to sign, for the City of Atlanta, the Declarations of Taking prepared in connection with the condemnation of the Additional Properties.

**Section 4.** That the cost incurred by the City in condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties shall not exceed \$149,000,000.00, and shall be paid from Fund Account Center No. 2H26 571001 R21E052096AA.

**Section 5.** That the Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefore from the Aviation General Manager or the City Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

**Section 6.** That, in the unanticipated event that any particular condemnation award causes the costs incurred by the City in condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties to exceed \$149,000,000.00, the Chief Financial Officer is hereby authorized and directed to pay said award and any additional awards of condemnation actions already filed, if not appealed, but no further condemnation actions regarding any of the Additional Properties shall be filed prior to the City Council's authorizing the expenditure of additional funds.

**Section 7.** That the City Attorney be and hereby is authorized to engage the services of outside attorneys and expert witnesses to assist with the condemnation and/or closing of said Properties.










**EXHIBIT A**

Additional Properties Needed for Fifth Runway in College Park			
Airport Parcel No.	Last Known Owner	Tax Id.	Address/Location
500RE	Crotts Phoenix Partnership	13-071B-A-003	1565 Phoenix Blvd., College Park
501RE	Century Airport Hotel Inc.	13-071B-A006	1551 Phoenix Blvd., College Park
502RE	Crocker Realty Trust LP	13-071B-B004	1640 Phoenix Blvd., College Park
503RE	Crab Properties LLC	13-071B-B003	1590 Phoenix Blvd., College Park
504RE	Riverdale Hotel LLC	13-071B-B002	1556 Phoenix Blvd., College Park
505RE	Pravin Master	13-071B-B001	1540 Phoenix Blvd., College Park



## CONCLUSIONS

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**REVERSED EXHIBIT B**

APR 25 2007

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